

**ZONING BOARD OF APPEALS**  
**MEETING MINUTES**  
**March 10, 2009**  
**4:00 P.M.**

**CALL TO ORDER:** Mr. John Stetler, called meeting to order at 4:01 p.m.

**MOTION:** Made by Mr. James Moreno to have Mr. John Stetler Chair the meeting today as the Chairperson and Vice Chairperson are excused; supported by Mr. Gentry Hammons; all in favor, none opposed.

**ATTENDANCE:**

**Members Present:** Rick Barnes, Deland Davis, Greg Dunn (late), Gentry Hammons, James Moreno and John Stetler

**Members Excused:** Mike Fatt, and Carlyle Sims

**Staff Present:** Glenn Perian, Senior Planner; and Leona Parrish, Admin. Assistant; Planning Dept.

**ADDITIONS OR DELETIONS TO THE AGENDA:** None

**OLD BUSINESS:**

**A. Accessory Buildings & Uses in Residential Districts (Chapter 1286):**

Mr. John Stetler noted he had prepared and handed-out a proposed discussion agenda document for guidelines to possibly follow regarding changes in the Accessory Building Ordinance and also allow citizen input.

Mr. Perian handed-out a copy of Mr. Fatt's opinion regarding Accessory Building Ordinance changes. Also a copy of Chapter 1286 "Accessory Buildings and Uses in Residential Districts", and a document showing the number of variance request received for the past 6 years for accessory buildings, it reflected that there had not been more than three in any one year: 2-years had (1) request; 1-year had (2) request; and 3-years had (3) request. He referred to Mr. Stetler's guideline document and asked if item # 1 could be switched to become item #12.

**MOTION: MR. JAMES MORENO MADE A MOTION TO USE THE PROPOSED AGENDA PROVIDED BY MR. JOHN STETLER REGARDING CHANGES IN THE ACCESSORY BUILDING ORDINANCE. ALL IN FAVOR NONE OPPOSED.**

**Agenda provided by Mr. John Stetler reads as follows:**

***1. Do we want to make a change in the current ordinance?***

Mr. Jim Belcher, 3940 S. Minges Road, was present to speak and stated yes, he would like to see the ordinance changed as he had just received a temporary 1-year variance for his accessory building pending changes in the ordinance.

Mr. Gentry Hammons provided a hand-out that stated under the proposed amendment the language should be added that they must obtain a building permit and that property lots of 7 acres or larger be limited to an accessory building of not more than 3,000 sq. ft.

Mr. Deland Davis asked if the outcome of this agenda was to provide a consensus of the Zoning Board or will there be a motion for each item. (Board agreed it would be based on a consensus of the board).

Mr. James Moreno stated there has been an increase in variance request and a change in the ordinance would possibly elevate some of those requests.

Mr. John Stetler stated that the map outlining the variance request does not show the number of persons not in agreement with having a larger building next to their property.

**2. *Do we want to only allow one building or more than one?***

Mr. Belcher stated he does not want to see more than one building, need to see something where the neighbors have input. Said there is a lot of support for the larger building.

Mr. Gentry Hammons said he would like there to be one building per site in addition to an attached garage.

Mr. Deland Davis said he agrees that one building at 1,000 sq. ft. is enough with an attached garage.

Mr. Rick Barnes stated it depends on the lot size, he sees nothing wrong with a larger garage to go with a larger lot, said there could be restrictions on different areas of the city. Noted that Emmett Twp. allows 1,500 sq. ft. and 10 % of property in other areas. He does not want people to move out of the City of Battle Creek because they can build a larger accessory building.

**3. *Do we want the size of the building to be constant, vary with the size of the land or vary with the size of the building?***

Mr. Belcher stated the size of the lot and area should allow a larger size accessory building. Said a formula is needed like: Not to exceed 10% of lot size.

Mr. Deland Davis said it should vary, that the maximum should be 1,000 sq. ft. and not be based on the footprint of the house.

Mr. James Moreno stated there should be a cap of 2,400 sq. ft. depending on the footprint of the house and attached garage.

Mr. Gentry Hammons said the maximum cut-off should be 3,000 sq. ft. and not to exceed the house with an attached garage. Feels we should use John Stetler's formula of 1% of the land size.

Mr. Rick Barnes said all neighborhoods are different and a formula is needed for the footprint of the house, land area and size to be a percentage of buildable lot size.

Mr. Greg Dunn said the size should vary with the lot and neighborhood so they are consistent. No matter what nothing seems to be large enough, that it should be about the property size/shape etc. Said they should have at least 3 acre parcel for it to be larger than the 1,000 sq. ft.

Mr. John Stetler said he thinks it should vary with the land, larger acreage of land to support the building and not use the house size.



Mr. Greg Dunn said there have not been many appeals with property of 3 acres or more. We should only increase the size for those with 3 acres or more. He suggested: 3 acres plus should be allowed 1,500 sq. ft.; 2 acres 1,000 sq. ft.; and below 2 acres 500 sq. ft.

**4. *Do we want to allow a minimum size accessory building for small building sites?***

Mr. Belcher is O.K. with it as it is currently. Zoning Board reached a consensus.

**5. *Do we want to require accessory buildings to only be in the back yard?***

Mr. Belcher states it depends on the area where you live.

Board majority agrees with the current ordinance of having to have a 60 ft. setback; except Mr. Hammons would prefer all accessory buildings to be in the rear of the property.

**6. *Under what if any conditions do we want the siding and roofing of the accessory building to match the house?***

Mr. Davis and Mr. Moreno state it should be aesthetically comparable to the residence.

Mr. Greg Dunn stated the owner should make their own decisions.

**7. *Do we want to require an accessory building to be built only after the primary building is built?***

Mr. Glenn Perian stated it is already a written ordinance and they need to meet that code.

**8. *With a property split do we want to require the accessory building to comply with the new split?***

Mr. Glenn Perian stated it would need to meet the current codes.

**9. *Do we want to limit the utilities an accessory building can have?***

Mr. Belcher stated he would like to run 220 electric to his accessory building and also have water and all other utilities.

Mr. Deland Davis stated that it should stay the same and only allow electricity.

Mr. Greg Dunn said he feels contrary and should allow heat and a sink for cleaning; he believes there are good reasons for having all utilities allowed.

Mr. James Moreno said they should only be allowed electricity, because if the property changes hands it could then become a business.

Mr. Gentry Hammons feels they should be allowed to have utilities, but only for personal use.

Mr. Rick Barnes said they should allow full utilities for residential use only and that the city should punish those using it for business purposes.

Mr. John Stetler feels utilities should be permissible for personal use only.

Mr. Glenn Perian stated it is written currently in the ordinance not to allow utilities other than electricity.

**Note: It is not unanimous to allow utilities.**

**10. Do we want to put a height limit on the accessory building?**

Mr. Belcher stated there should be a formula to fit the size of the building.

Mr. Deland Davis feels it should not tower over the home.

Mr. Greg Dunn stated they need a scale to follow with a 15 ft. maximum height. (Mr. Hammons agrees)

Mr. Rick Barnes stated he would like it to be taller. He asked what the height would be to fit a 5<sup>th</sup> wheel inside. (It was noted that with the current height of 14 ft. you can have a 12 ft. door height).

**11. Additional discussion items? None**

**B. Election of Officers – Year 2009:**

**MOTION: MR. GENTRY HAMMONS MADE A MOTION TO NOMINATE MR. JOHN STETLER AS CHAIRPERSON; SECONDED BY MR. JAMES MORENO. ALL IN FAVOR, NONE OPPOSED, MOTION CARRIED - APPROVED.**

**MOTION: MR. JAMES MORENO MADE A MOTION TO NOMINATE MR. GREG DUNN AS VICE- CHAIRPERSON; SECONDED BY MR. DELAND DAVIS. ALL IN FAVOR, NONE OPPOSED, MOTION CARRIED - APPROVED.**

**NEW BUSINESS: None**

**APPROVAL OF MINUTES:**

Mr. Gentry Hammons noted for the record an error in the February 10, 2009 meeting minutes: Page 3; reads that Mr. Carlyle Sims stated if they wished to appeal to Circuit Court. (Should have read Mr. John Stetler as Mr. Carlyle Sims was not in attendance.)

**MOTION: WAS MADE BY MR. DELAND DAVIS TO APPROVE THE FEBRUARY 10, 2009 ZONING BOARD OF APPEALS MINUTES WITH CORRECTION NOTED; SUPPORTED BY MR. GREG DUNN. ALL IN FAVOR, NONE OPPOSED, MOTION CARRIED - APPROVED.**

**COMMENTS BY THE PUBLIC: None**

**COMMENTS BY THE MEMBERS / STAFF:**

Mr. Glenn Perian explained the process for a change in the ordinance regarding accessory buildings which would need to go before the Planning Commission for recommendations and then to the City Commission for final approval.

Mr. Gentry Hammons asked if they could get copies of the results from the Planning Commission. Mr. Perian stated yes, he would keep the Zoning Board up-to-date.

Mr. Perian also reminded the Zoning Board of the Open House Invitation for March 19, 2009, from 4:00 – 6:00 pm, regarding the relocation of Planning, Community Development, and Neighborhood Services to the 2<sup>nd</sup> floor at the Commerce Pointe Building.

**ADJOURNMENT:** Motion made by Mr. Deland Davis to adjourn the meeting, second by Mr. Rick Barnes; all in favor meeting adjourned at 4:38 p.m.

Submitted by: Leona A. Parrish  
Administrative Assistant, Planning Department